

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD C HUFF,

Plaintiff(s),

vs.

ROBERT A HOREL,

Defendant(s).

No C 08-0761 VRW (PR)

ORDER OF DISMISSAL

(Doc # 2)

This civil rights action by a prisoner was filed on January 31, 2008. The court notified plaintiff in writing at that time that the action was deficient because plaintiff did not pay the requisite \$ 350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. See 28 USC § 1915(a)(2). Plaintiff was advised that failure to file the requested items within 30 days would result in dismissal of the action.

More than 120 days have elapsed; however, plaintiff has not provided the court with the requisite items, or sought an extension of time to do so. Plaintiff's incomplete in forma pauperis application (doc # 2) is DENIED and the action is DISMISSED without prejudice.

The clerk shall close the file and terminate all pending motions as moot.

SO ORDERED.



VAUGHN R WALKER
United States District Chief Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

Huff,

Plaintiff,

v.

Horel, et al,

Defendant.

Case Number: C08-0761 VRW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Richard C. Huff E-84710
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95531

Dated: June 24, 2008

Richard W. Wieking, Clerk
By: Cora Klein, Deputy Clerk

Cora Klein